

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 1918 (Application 6738)
Pacific Gas and Electric Company

ORDER REVOKING LICENSE

SOURCE: (a) East Fork of Panther Creek and (b) West Fork of Panther Creek

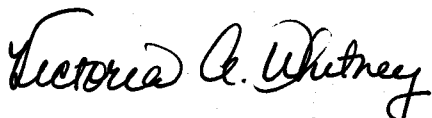
COUNTY: Amador

WHEREAS:

A request dated October 1, 2002, has been received on behalf of the licensee, that the license be revoked.

THEREFORE:

It is ordered that License 1918 is hereby revoked and cancelled upon the records of the State Water Resources Control Board and the water is declared to be subject to appropriation.



for Edward C. Anton, Chief
Division of Water Rights

Dated: **JUN 5 2003**



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER No. 12

APPLICATION	PERMIT	LICENSE
Applications 2100, 2534, 2548, 2751, 2996, 5161, 5240, 6032, 6262, 6737, 6738		
Permits 2100, 3188, 2101, 3189, 2102, 3190, 3191, 3452, 3303, 4100, 4101		
Licenses 1916 1917		2005 1918

ORDER DECLARING A SINGLE ENTERPRISE AND UNIT
UNDER SECTION 1475 OF THE STATE WATER CODE.

WHEREAS, Pacific Gas and Electric Company has heretofore filed with the Department of Public Works, acting by and through the State Engineer, and/or its predecessor or predecessors in authority Applications 2100, 2534, 2548, 2751, 2996, 5161, 5240, 6032, 6262, 6737 and 6738 for permits to appropriate and store waters of North Fork of Mokelumne River, Bear River, Cold (or Cole) Creek, Beaver Creek, East and West Panther Creeks and Tiger Creek; and

WHEREAS, the said Department of Public Works has approved said applications and has granted to the said Company Permits 2100, 3188, 2101, 3189, 2102, 3190, 3191, 3452, 3303, 4100 and 4101 and Licenses 1916, 1917, 1918, and 2005, authorizing the appropriation and storage of said waters; and

WHEREAS, the said Company has represented to the said Department of Public Works that the reservoirs described in said applications, permits and licenses have been surveyed and laid out, and are to be constructed, for the storage of water for a system, and that said waters are to be used at one or more points under the said approved applications, permits and licenses for the appropriation of water and that said permits and licenses for the appropriation of water and rights thereunder and the reservoir sites are now held and controlled by the said Company; and

WHEREAS, the said Company has requested the said Department of Public Works to declare such reservoirs and appropriations and rights to constitute a single enterprise and unit in accordance with Section 1475 of the State Water Code; and



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER NO. 12 (Cont'd)

APPLICATION _____

PERMIT _____

LICENSE _____

WHEREAS, it appears to the said Department of Public Works after due investigation that the said Company has surveyed and laid out, and proposes to construct, the said reservoirs, described in said applications, permits and licenses, for the storage of water for a system, and that the waters are to be used at one or more points under the said permits and licenses for the appropriation of water issued to the said company as aforesaid, and that the said permits and licenses for the appropriation of water and rights thereunder and the reservoir sites are now held and controlled by the said Company,

NOW THEREFORE, by virtue of the authority vested by Section 1475 of the State Water Code, it is hereby declared and ordered that the said reservoirs and appropriations and rights thereunder do constitute a single enterprise and unit, and it is further declared and ordered that work of constructing said reservoirs, or any of them, or work on any one or more of said appropriations shall in the discretion of the said Department of Public Works be sufficient to maintain and preserve all of said applications, permits and licenses for the appropriation of water and rights thereunder; provided, that the construction work described in said applications shall begin and be completed and the beneficial use of the waters to be appropriated as provided therein shall be completed in accordance with the following schedule:

SCHEDULE OF DEVELOPMENT

<u>Unit</u>	<u>Applications</u>	<u>Commenced</u>	<u>Construction</u> <u>Recommence</u> <u>on or before</u>	<u>Complete</u> <u>on or before</u>
Bear River	6032	June, 1926	January 1, 1949	Dec. 31, 1953
Salt Springs	6262	June, 1926	-----	Aug. 1931
Tiger Creek	2100, 2548, 5161, 5240, 6032, 6262, 6737 and 6738	June, 1926	-----	Aug. 1931



OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER NO. 12 (Cont'd)

APPLICATION _____

PERMIT _____

LICENSE _____

Construction

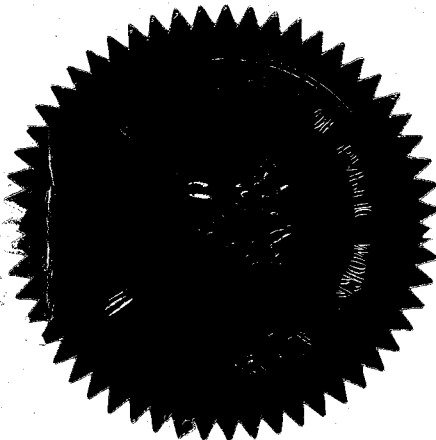
<u>Unit</u>	<u>Applications</u>	<u>Commenced</u>	<u>Recommence on or before</u>	<u>Complete on or before</u>
West Point	2534, 2751, 2996, 6032 and 6737	June, 1926	April 1, 1947	Dec. 31, 1948
Electra	2534, 2751, 2996, 6032 and 6737	June, 1926	April 1, 1947	Dec. 31, 1948
Raise Salt Springs Dam	2751 and 5161	October, 1946	-----	Dec. 31, 1947

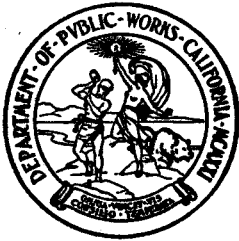
Complete beneficial use of water on or before December 1, 1954.

WITNESS my hand and the seal of the Department of Public Works of the
State of California this 7th day of January, 1947.

DEPARTMENT OF PUBLIC WORKS

By Edward Hyatt
Edward Hyatt, State Engineer





STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
ORDER

APPLICATION 6738

PERMIT 4101

LICENSE 1918

ORDER ALLOWING CORRECTION OF DESCRIPTION OF
POINT OF DIVERSION

Licensee having established to the satisfaction of the State Engineer that the correction of description of point of diversion under Application 6738, Permit 4101, License 1918 for which petition was submitted on December 19, 1946 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

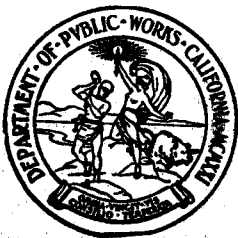
IT IS ORDERED that permission be and the same is hereby granted to change the description of point of diversion under said Application 6738, Permit 4101, License 1918 to read as follows to-wit:

- (a) EAST PANTHER CREEK DIVERSION - SOUTH $18^{\circ} 03' - 1/4'$ EAST 2718.17 FEET FROM THE NW CORNER OF SECTION 1, T 7 N, R 14 E, M.D.B.&M., BEING WITHIN THE SW $1/4$ OF NW $1/4$ OF SAID SECTION 1.
- (b) WEST PANTHER CREEK DIVERSION - SOUTH $44^{\circ} 32' - 1/2'$ WEST 1677.67 FEET FROM THE NE CORNER OF SECTION 2. T 7 N, R 14 E, M.D.B.&M., BEING WITHIN THE NE $1/4$ OF NE $1/4$ OF SAID SECTION 2.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 7th day of January, 1947.


Edward Hyatt, State Engineer





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1918

PERMIT 4101

APPLICATION 6738

THIS IS TO CERTIFY, That Pacific Gas and Electric Company of San Francisco, California,

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of (a) East Fork of Panther Creek in Amador County, (b) West Fork of Panther Creek in Amador County, tributaries of North Fork of Mokelumne River

for the purpose of generating power

under Permit 4101 of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from July 19, 1930;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed forty-seven and one tenth (47.1) cubic feet per second from East Panther Creek and thirty-three and eight (33.8) cubic feet per second from West Panther Creek from January 1st to December 31st of each season, provided, however, that simultaneous diversions from the two sources are limited to a total of seventy-nine and six tenths (79.6) cubic feet per second and provided further that the amount of water diverted under this license together with that diverted simultaneously under Application 2100, License 1916, Application 2548, License 1917, Application 5161, Permit 3190, Application 5240, Permit 3191, Application 6032, Permit 3452, Application 6262, Permit 3303 and Application 6737, Permit 4100 shall not exceed six hundred twenty-five (625) cubic feet per second through the Tiger Creek Power House.

Insofar as practicable under normal operating conditions, the demand under Application 2100, License 1916, Application 2548, License 1917, and Application 6738, License 1918, will be supplied from the various sources involved in the following order of draft:

- (a) Direct diversion from East and West Panther Creeks under Application 6738, License 1918.
- (b) Direct diversion from Beaver Creek and Bear River under Application 2548, License 1917.
- (c) Direct diversion from Cold Creek under Application 2548, License 1917.
- (d) Direct diversion from North Fork of Mokelumne River under Application 2100, License 1916.
- (e) Storage releases from Salt Springs Reservoir under Application 2100, License 1916.

The points of diversion of such water are located (a) From East Fork of Panther Creek: South twenty degrees sixteen minutes forty-five seconds East (S. 20° 16' 45" E.) twenty-six hundred sixty-three and twelve hundredths (2663.12) feet from northwest corner of Section 1, T 7 N, R 14 E, M.D.B.&M., being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1. (b) From West Fork of Panther Creek: South fifty-four degrees, thirty-seven minutes thirty seconds West (S. 54° 37' 30" W.) thirteen hundred forty-eight and ninety hundredths (1348.90) feet from the northeast corner of Section 2, T 7 N, R 14 E, M.D.B.&M. being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2.

A description of the lands or the place where such water is put to beneficial use is as follows: Tiger Creek Power House located within SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T 7 N, R 13 E, M.D.B.&M.

The water is returned to the Tiger Creek After Bay on the North Fork of the Mokelumne River at the tail race of the Tiger Creek Power House within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T 7 N, R 13 E, M.D.B.&M.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

Amended by order of 1-7-47

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of the term of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the water and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permit or license, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said finding or declaration on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the holders thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting character of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal use of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional water granted in this application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purpose to the person, firm or corporation which constructed said facilities for the temporary use of said excess water, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of February, 1939.

EDWARD HYATT
State Engineer
By Donald Campbell
Deputy

LICENSE 1918
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Pacific Gas & Electric Company
DATED February 21, 1939